

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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JUDITH ANN ABBAS,

Plaintiff,

v.

CAROL JENNIFER,

DETROIT DISTRICT DIRECTOR
U.S. CITIZENSHIP AND
IMMIGRATION SERVICES, et al.,

Defendants.

Case No. 1:06-CV-842

Honorable Paul L. Maloney
United States District Judge

Honorable Ellen S. Carmody
United States Magistrate Judge

PETITION AND ORDER FOR REMAND

The parties, Judith Ann Abbas and the United States of America, for the named defendants, U.S. Citizenship and Immigration Services (CIS) et al., by their respective legal counsel, jointly petition to remand this case to the defendant agency. In support of this petition the parties state as follows:

1. This is an action for relief pursuant to 28 U.S.C. §§ 1331 and 1361 and 5 U.S.C. §701 et seq., and 28 U.S.C. § 2201 et seq. Plaintiff seeks adjudication of her I-130 Immigrant Visa Petition.

2. The Defendant CIS has completed adjudication and issued a Decision on September 17, 2007, wherein it is ordered that plaintiff's Petition for Alien Relative , Form I-130, filed on behalf of Ali Abbas, be denied. The plaintiff has consented to the remand in order to appeal that

denial, by submitting it to the appropriate division having jurisdiction over the decision of denial.

3. A final decision on appeal by the defendant agency, reversing the September 17, 2007 denial, may alleviate the necessity of any further litigation before this Court.

4. The parties further agree, and respectfully request, that this Court retain jurisdiction for purposes of potential further review in accordance with the Administrative Procedures Act, 5 U.S.C. § 701 et seq., and the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2142 et seq.; as it may relate to any award of attorney fees to the plaintiff.

5. An **ORDER OF REMAND** may enter, remanding the plaintiff's Complaint to the Defendant U.S. Citizenship and Immigration Services, where the plaintiff may proceed under the terms of this Stipulation.

Respectfully submitted,

Date: September 19, 2007

/s/Jose A. Sandoval

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Date: September 19, 2007

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IT IS SO ORDERED.

Date: October 9, 2007

Paul L. Maloney,
United States District Judge